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March 8, 2022

**By ECF**

Hon. Gabriel W. Gorenstein  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMORANDUM ENDORSED**

Re: Russell v. DOCCS, No. 18-CV-8543 (SDA)

Dear Judge Gorenstein:

This Office represents the New York State Department of Corrections and Community Supervision (“Defendant”) in the above-referenced case. The parties are scheduled to appear before Your Honor for a settlement conference on March 15, 2022 at 10:00 am. I write, with the gracious consent of Plaintiff’s counsel, to respectfully request that the settlement conference be adjourned to April 12, 2022 at 10:00 am because a later settlement conference would thus likely be more productive.

Pursuant to your Order dated February 18, 2022, Plaintiff was ordered to make a settlement demand no later than 14 days prior to the conference (March 1, 2022), and Defendant was ordered to inform Plaintiff of its response no later than 7 days prior to the conference (March 8, 2022). See ECF No. 96. While Plaintiff’s counsel has made a settlement demand on March 1, 2022, Defendant is unfortunately not authorized to respond to Plaintiff’s demand by March 8, 2022 because the evaluation of Plaintiff’s settlement demand required by New York Public Officers’ Law § 17 (“POL § 17”) is ongoing and not yet completed.

Furthermore, pursuant to POL § 17, both this Office and Defendant must authorize any settlement in this case, and it is not possible to have open-ended approval to settle at any amount. Thus, we also respectfully request that Defendant be permitted to have a representative present with authority to settle the case up to the Agencies’ full pre-authorization, and who can make a recommendation for settlement at a higher amount through the procedures set forth in POL § 17 as warranted. Plaintiff does not object to this request.

Letter to. Hon. Gabriel W. Gorenstein

March 8, 2022

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We thank the Court for its consideration in this matter.

Respectfully Submitted,

/s/

Gee Won Cha

Assistant Attorney General

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cc: Plaintiff's counsel of record (Via ECF)

The applications are granted. Because the settlement conference is adjourned to April 12, 2022 (at 10:00 a.m.), submissions are due April 6, 2022.

So Ordered.



GABRIEL W. GORENSTEIN

United States Magistrate Judge

March 8, 2022